

UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

_____)	
GLEND A JIMMO, et al.,)	
)	No. 5:11-CV-17
Plaintiffs,)	
)	
vs.)	
)	
)	
KATHLEEN SEBELIUS, Secretary of)	
Health & Human Services,)	
)	
Defendant.)	
_____)	

JOINT MOTION FOR PRELIMINARY APPROVAL OF CLASS SETTLEMENT AND
NOTICE PLAN

Kathleen Sebelius, Secretary of the Department of Health and Human Services, and the class beneficiaries of *Jimmo* (“class beneficiares”)(collectively, the “Parties”), by their respective counsel, hereby request the Court, pursuant to the terms of their Settlement Agreement (the “Agreement”) and Fed. R. Civ. P. 23(e), to approve preliminarily the proposed Settlement Agreement attached to the Notice of Settlement Agreement as Exhibit A (Dkt #82-1), and approve the proposed Notice to the class attached hereto as Exhibit A. This application is supported by a Memorandum in Support of Approval of Class Settlement and Notice Plan and the proposed Order. The Parties request that, if the Court finds that the proposed Settlement Agreement meets the standards for preliminary approval under Federal Rule of Civil Procedure, Rule 23(e), the Court should: 1) authorize the parties to notify the class members by posting the notice on the appropriate websites; 2) set a date for a Fairness Hearing 60 days from the date of

this filing; and 3) set a date for the filing of any Objections to the Agreement 14 days prior to the Fairness Hearing.

Dated: November 13, 2012

Respectfully submitted,

/s/ Alice Bers

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/s/ Steven Y. Bressler (by permission)
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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2012, I electronically filed the following documents:

- Joint Motion for Preliminary Approval of Class Settlement and Notice Plan
- Memorandum in Support of Joint Motion for Preliminary Approval of Class Settlement and Notice Plan
- Proposed Notice to the Class
- Proposed Order Preliminarily Approving Settlement Agreement, Approving Class Notice, and Setting Fairness Hearing

with the Clerk of Court using the CM/ECF system which will send notification of such filings to the following:

Steven Y. Bressler
M. Andrew Zee
Tamra Moore
US Department of Justice

Gill Deford
Judith A. Stein
Margaret Murphy
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And I hereby certify that I also caused to be served, via electronic mail pursuant to prior agreement by the parties, the following non-registered participants:

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